

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,
Plaintiff,
v.
NDOC, *et al.*,
Defendants.

Case No. 2:15-cv-00623-APG-GWF

ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Response to Motion for Summary Judgment (ECF No. 169), filed on May 11, 2017. Also before the Court is Defendants' Motion to Strike Plaintiff's Affidavit in Support of Cases (ECF No. 170), filed on May 11, 2017.

Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). Whether to grant a motion to strike lies within the sound discretion of the district court. *Roadhouse v. Las Vegas Metro. Police Dep’t*, 290 F.R.D. 535, 543 (D. Nev. 2013). Additionally, the Court may strike an improper filing under its “inherent power over the administration of its business.” *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). Similar to Rule 12(f) motions to strike, striking material under the Court’s inherent power is wholly discretionary. See *Almy v. Davis*, No. 2:12-cv-00129-JCM-VCF, 2014 WL 773813, at *4–5 (D.Nev. Feb. 25, 2014).

Rule 7(a) of the Federal Rules of Civil Procedure states that only these types of pleadings are allowed: (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim

1 designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an
2 answer to a third-party complaint; and (7) if the court orders one, a reply to an answer. Fed. R. Civ.
3 P. 7(a). Rule 7(b) sets forth that a motion must be in writing unless it is made during a hearing or
4 trial, must state with particularity the grounds for seeking the order, and state the relief sought.
5 Fed. R. Civ. P. 7(b).

6 On April 21, 2017, Plaintiff filed his motion for summary judgment. ECF No. 139. On
7 April 27, 2017, Plaintiff filed a response (ECF No. 146) to his own motion. Defendants filed their
8 opposition (ECF No. 154) to Plaintiff's motion for summary judgment on May 4, 2017. Defendants
9 request that the Court strike Plaintiff's response as a fugitive document. Defendants further request
10 that the Court strike Plaintiff's "affidavit in support of cases." ECF No. 147. Plaintiff's filings do
11 not appear to be pleadings as defined by the Federal Rules of Civil Procedure. Further, LR 7-2(g)
12 states that "[a] party may not file supplemental pleadings, briefs, authorities, or evidence without
13 leave of court granted for good cause. The judge may strike supplemental filings made without
14 leave of court." The Court, therefore, strikes Plaintiff's filings (ECF Nos. 146, 147) as
15 supplemental filings. Accordingly,

16 **IT IS HEREBY ORDERED** that Defendants' Motion to Strike Plaintiff's Response to
17 Motion for Summary Judgment (ECF No. 169) is **granted**.

18 **IT IS FURTHER ORDERED** Defendants' Motion to Strike Plaintiff's Affidavit in
19 Support of Cases (ECF No. 170) is **granted**.

20 DATED this 30th day of June, 2017.

21 
22 GEORGE FOLEY, JR.
23 United States Magistrate Judge